



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF JUNE 26, 2003**

CALL TO ORDER: Chairperson Cohen called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Cohen, Commissioners Weaver, Wieckowski, Harrison, Thomas, Sharma

ABSENT: Natarajan

STAFF PRESENT: Dan Marks, City Planner
Jeff Schwob, Deputy Planning Manager
Larissa Seto, Senior Deputy City Attorney
Christine Daniel, Deputy Director,
Development & Environmental Services
Mitch Moughon, Senior Civil Engineer
Kathleen Chu, Senior Civil Engineer
Nancy Minicucci, Associate Planner
Wayne Morris, Associate Planner
Bill Cooper, Housing Project Manager
Laura Gonzales Escoto, Deputy Redevelopment Director for Housing
Alice Malotte, Recording Clerk
Chavez Company, Remote Stenocaptioning
Mark Eads, Video Technician

APPROVAL OF MINUTES: Regular Minutes of June 12, 2003 approved as submitted.

CONSENT CALENDAR

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 2 AND 5.

IT WAS MOVED (HARRISON/WEAVER) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS ON ITEM NUMBERS 2 AND 5.

Item 2. TRI-CITY CHINESE BAPTIST CHURCH – 38075 Mission Boulevard – (PLN2000-00082) - to consider the Landscape Plan, per a condition of U-89-7A, for a religious facility in the Niles Planning Area. The City previously certified and approved a Mitigated Negative Declaration for the development of this project.

HOLD PUBLIC HEARING;
AND
APPROVE PLN2000-00082 AS SHOWN ON EXHIBIT “A”.

Item 5. NIGHTCLUB – ALBRAE STREET – 40539 Albrae Street – (PLN2003-00271) – to consider a Planned District Major Amendment to permit the operation of a 16,000 square foot nightclub located in the Industrial Planning Area. This project is categorically exempt from CEQA review under Section 15332, In-Fill Development Projects.

HOLD PUBLIC HEARING;

AND

FIND PLN2003-00271 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN;

AND

THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE CHAPTER AS ENUMERATED WITHIN THE STAFF REPORT;

AND

FIND PLN2003-00271 IS CATEGORICALLY EXEMPT FROM CEQA PER SECTION 15332, IN-FILL DEVELOPMENT PROJECTS;

AND

RECOMMEND TO CITY COUNCIL PLN2003-00271, AS SHOWN ON STAFF ANNOTATED EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS OF APPROVAL CONTAINED IN EXHIBIT "B".

The motion carried by the following vote:

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|----------|---|
| AYES: | 6 – Cohen, Harrison, Sharma, Thomas, Weaver, Wieckowski |
| NOES: | 0 |
| ABSTAIN: | 0 |
| ABSENT: | 1 – Natarajan |
| RECUSE: | 0 |

PUBLIC COMMUNICATIONS

ORAL COMMUNICATIONS

PUBLIC HEARING ITEMS

- Item 1.** **R-3 ZONING DISTRICT – Citywide – (PLN2003-00225)** – to consider a City-initiated Zoning Text Amendment (ZTA) to create a new Multi-Family Zoning District (R-3) and to revise associated portions of the Fremont Municipal Code for compatibility with the new zoning district; including but not limited to definitions, parking standards, and special provisions. A Negative Declaration has been prepared for this project. (Continued from May 22, 2003.)

Chairperson Cohen opened and closed the public hearing.

Commissioner Harrison asked how the negative declaration could declare there would be no impact when the rezoning would affect the population growth, displace potential housing, and so on.

Deputy Director Schwob answered that the creation of the R3 District, in and of itself, would create no impact. However, individual projects probably would create impacts to their neighborhoods, and they would be dealt with as they came forward.

Commissioner Sharma liked the new term "short-term residency shelters" and asked why a Conditional Use Permit (CUP) was originally issued yearly and why it was now being removed.

Deputy Director Schwob replied that when the operation of the shelters was begun, concern was expressed about negative impacts on the surrounding properties. Therefore, it was decided that a yearly CUP was appropriate. Now that everyone has had experience with the shelter program, it seemed unnecessary to require a CUP every year when, once granted, it could be reviewed at any point in time, if there were problems.

Commissioner Sharma suggested that a one-time CUP could be issued, which could be reviewed when problems arose, rather than every three years.

Deputy Director Schwob explained that time limitations could be placed on CUPs, which would allow for review. This revision would give flexibility that was not available under the current provisions.

Commissioner Harrison asked if Landscaping/City Engineering and City Development policies were the same, as used in the staff report and recommendation.

Deputy Director Schwob replied that was the intent. Landscaping resided within the Engineering Division. Some of the engineering standards were codified in zoning and some were in the development policies.

Commissioner Harrison read, "Staff is suggesting that the Planning Commission include a recommendation to the City Council that directs staff to review and prepare revisions to overall landscaping and engineering codes and policies, as appropriate for later review." He wanted to be sure that the recommendation encompassed all of that.

Senior Planner Schwob agreed that it did.

IT WAS MOVED (WEAVER/THOMAS) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

RECOMMEND THE CITY COUNCIL FIND THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;

AND

RECOMMEND THE CITY COUNCIL APPROVE DRAFT NEGATIVE DECLARATION WITH ACCOMPANYING CERTIFICATE OF FEE EXEMPTION AND FIND IT REFLECTS THE INDEPENDENT JUDGEMENT OF THE CITY OF FREMONT;

AND

FIND PLN2003-00225 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING CHAPTERS, AS ENUMERATED WITHIN THE STAFF REPORT;

AND

FIND THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE REQUIRE THE ADOPTION OF ZONING TEXT AMENDMENT PLN2003-00225 BECAUSE THE DEVELOPMENT OF HIGH QUALITY, APPROPRIATE RESIDENTIAL PROJECTS AT MEDIUM, HIGH, AND VERY HIGH GENERAL PLAN DENSITY LEVELS, IN ORDER TO MEET THE NEEDS IDENTIFIED BY THE CITY'S HOUSING ELEMENT, IS NOT FEASIBLE WITHOUT THE CREATION OF AN R-3 ZONING DISTRICT AND THE MODIFICATIONS TO ASSOCIATED PORTIONS OF THE FREMONT MUNICIPAL CODE, AS SHOWN IN EXHIBIT "A";

AND

RECOMMEND PLN2003-00225 TO THE CITY COUNCIL IN CONFORMANCE WITH EXHIBIT "A" (ZONING TEXT AMENDMENT);

AND

RECOMMEND THAT THE CITY COUNCIL DIRECT STAFF TO PREPARE MULTI-FAMILY DESIGN GUIDELINES FOR REVIEW AND APPROVAL;

AND

RECOMMEND THAT THE CITY COUNCIL DIRECT STAFF TO PREPARE REVISIONS TO THE CITY'S DEVELOPMENT POLICIES AND LANDSCAPE REQUIREMENTS FOR REVIEW AND APPROVAL.

The motion carried by the following vote:

AYES: 6 – Cohen, Harrison, Sharma, Thomas, Weaver, Wieckowski
NOES: 0
ABSTAIN: 0
ABSENT: 1 – Natarajan
RECUSE: 0

- Item 3. PACIFIC COMMONS – Auto Mall Circle – (PLN2003-00166)** – A Planned District Major Amendment to modify the approved land use and circulation plans for the Planned Development known as Pacific Commons (P-2000-214). Specifically, the proposal would: 1) allow for the creation of a unique, pedestrian-oriented community retail shopping center at the east Activity Center in place of the previously envisioned hotel, office and retail uses; 2) relocate the Major Retail Area eastward from its current location to an approximately 40 acre area along Auto Mall Parkway between Christy Street and Boscell Road; 3) allow for the development of mixed retail, one to four-story Office/R&D buildings and Auto Dealership on the west side of Boscell Road from Auto Mall Parkway to Curie Street; 4) return Boscell Road to the alignment proposed through the 2000 approvals; and 5) extend Pacific Commons Boulevard from Curie Street to Auto Mall Parkway. Additionally, the proposal necessitates an amendment to the 2000 Amended and Restated Development Agreement between the City of Fremont and Catellus Development Corporation, and to the City's Option Agreement and Fire Station Promissory Note for property within Pacific Commons. Amendments to the Development Agreement between the City and Catellus are proposed to: (i) extend the completion date for Cushing Parkway as previously reviewed by Council on May 13, 2003; and (ii) limit drive-thru restaurants to two unique establishments.

Planning Director Marks introduced staff associated with the project.

Commissioner Harrison and Chairperson Cohen disclosed that they had previously met with Mr. Marcus.

Dan Marcus, Senior Vice President and project manager for Catellus Corporation, described the project as being approximately 10 percent of the Pacific Commons Property (80 acres) and would be divided into four sub areas. The retail center would include high-end architecture, extensive landscaping, innovative gateway features, plazas, fountains, outdoor dining and other "people places." A pedestrian promenade would link all four areas. Commitments had been obtained from retailers and the largest portion of the project would be open by the end of 2004.

- **Planning Area One:** Located at Auto Mall Parkway and I-880. Would include small to medium retail stores and numerous restaurants. Each building would have distinct architectural features that would mesh with one modern, high-tech theme.
- **Planning Areas Two and Three:** Approximately 40 acres located farther west along Auto Mall Parkway. Would allow for the location of two anchor retailers. Smaller shops and restaurants were envisioned along Auto Mall Parkway and linked by the pedestrian promenade.
- **Planning Area Four:** Fifteen acres bordered by the existing Fremont Auto Mall and the future Boscell Road. Use undecided at this time, but additional retail, R&D office space or an extension of the Auto Mall could be sited here.

Auto Mall Parkway would be widened. Potential retailers liked the logical circulation pattern. He agreed that the Commission would review the architecture for the gateway corners buildings (Auto Mall Parkway and Christie Street and Auto Mall Parkway and Boscell Road).

This project would link to the rest of the future project visually and through landscaping. He requested that action be taken by the Commission at this hearing.

Chairperson Cohen opened the public hearing.

Barry Luboviski, representing the Building and Construction Trades Council of Alameda County, AFL-CIO, spoke in support of the project. He believed the commitments made by Catellus to labor and the community. This project would help to lead the Bay Area back to the forefront of development and innovation.

Jim Stagg, Fremont resident, also supported the project. He noted the placard in the Chamber lobby that encouraged Fremont citizens to shop in the City. He believed this project would provide additional incentives for local shopping.

James Coleman agreed with the previous speakers and believed this project would encourage further growth in the City.

Mike Dunlap, representing Operating Engineers Local 3, supported the project and spoke in support of Catellus and the project. Catellus had made and kept union and community commitments, as he had experienced on another project in the county. They could be trusted.

Terry Wolf, owner of property on the corner of Brandon Court and Christy Street, expressed concern about "throwing a couple of boxes up and going onto something else." He asked that the architectural detail be reviewed on the big boxes. The original plan would be changed by this project and he expected two more big-box stores would be added to the others on Auto Mall Parkway. The traffic would become worse, as I-880 at Christy Street was "a parking lot until almost noon" and Auto Mall Parkway became very congested when traveling the other direction toward I-680. Christy Street should be "taken care of on both sides" and all affected streets should be finished. He wondered if Brandon Court property owners would eventually be forced to become a part of the retail zoning and if they might be assessed for improvements. He asked that some kind of separation between the retail area and Brandon Court be included in the plans and that the setbacks be larger. He asked that no more drive-through restaurants be allowed. He questioned the City's financial agreement with Catellus concerning the City's three acres and the new fire station.

Mr. Marcus closed by agreeing that a wall would be built on the Brandon Court property lines. He believed this project would increase surrounding property values. New streets would be constructed with infrastructure expected to cost approximately 15 million dollars, all from Catellus' pocket. There would be no assessment district. The actual dollar figure of 2.2 million dollars would be paid by Catellus toward the new firehouse and other City incentives, along with 130 million dollars for overall infrastructure. Traffic studies showed peak hour traffic should be decreased relative to previous proposals for this area. He stated that Catellus was committed to work on any problems the property owners may have with the goal of being a good neighbor.

Commissioner Harrison asked if there would be any partial streets, as mentioned by the previous speaker.

Mr. Marcus replied that the widening of Auto Mall Parkway, Christy Street to Curry Street, Pacific Commons Boulevard between Auto Mall Parkway and Curie Street and Boscell Road would all be full streets. Two-thirds of Curie Street would be completed adjacent to the retail project with the other one-third completed along with the future adjacent office project. Christy Street between the intersection of Curie Street and Brandon Court would be increased to three lanes to allow for truck turning.

Commissioner Sharma asked if any of the retailers would back to Brandon Court.

Mr. Marcus stated that the zone setback would be increased to 60 feet from the property line, at the request of City staff, and would be separated by a masonry wall.

Chairperson Cohen closed the public hearing.

Commissioner Harrison asked if he was correct in assuming that the surrounding neighbors would not be included in any overlay district and their uses would not become nonconforming.

Planning Director Marks replied that he was correct.

Commissioner Wieckowski asked what staff's understanding was of a unique, drive-through eatery.

Assistant City Attorney Seto stated that the purpose of that language was to allow staff to consider restaurants or eateries that did not currently exist within the City limits. It was hoped that new and different types of establishments would be attracted to the development.

Commissioner Sharma asked why an electronic reader board was banned and what kind of signature entrance was expected for the project.

Planning Director Marks replied that the kind of board was generally not something that the City wanted. The Commission could certainly express approval for an electronic reader board, if it felt that it was appropriate to allow it.

Commissioner Sharma asked if an electronic reader board came to market that was attractive, would it be allowed?

Planning Director Marks stated that would be up to the developers. It would be their sign and if they felt strongly about using an electronic reader board, they could bring it to the City

Vice Chairperson Weaver stated that her issues were satisfied at the study session two weeks ago. However, she would never support an electronic reader board. This development deserved something better than that. She was sorry that the development could not go forward as originally planned, but the market had changed and economics had dictated something different. She told Mr. Wolf that she believed that Catellus would be a good neighbor and their commitments were not hollow. She would support the project, as the changes still held to the spirit of the original project.

Commissioner Wieckowski stated that he accepted the changing market conditions and would support the project. He looked forward to this exciting project finally getting underway.

Commissioner Harrison applauded the City in its effort to encourage residents to shop within the City. This development was the lightning rod that would bring future development to the City besides complimenting future downtown development. The developers have a vested interest in making this project work and the City would have the benefit of the added sales tax. He would support the project.

Commissioner Thomas stated that she would also have liked to see a hotel and R&D facilities. However, this project provided the perfect opportunity to bring in restaurants and retail that was not currently available in the region. Premier businesses were wanted, not another middle-of-the-road bunch of discount retailers with more fast food restaurants, and she believed that was the developers' vision, also. She would support the project.

Commissioner Sharma also supported the project. He felt this was a nice location for some good stores with the nearby freeway access. The traffic was already a problem and an office project would also add to the traffic, especially during commute hours. The kinds of retail that a big box would bring in would eventually benefit the City. He hoped that the developers would be able to figure out the reason why the upscale vendors that the City hoped to attract were not coming to the City. Retail was the only thing missing in this great city and he expressed the hope that the businesses that were already in the City would not use this development to relocate to, that new and different businesses would be attracted to locate in it.

Chairperson Cohen noted that he was vehemently opposed to the project in the early 1990s. Past bait and switch situations had made the Commission cautious; however, he did not believe that was the case here, considering his past history with Catellus. He believed that the challenge was to make the big-box environment adhere to the spirit of the original project. That was why the City had a Planning Director and guidelines. The open space gateways posed the potential of creating a better pedestrian oriented space that integrated with the rest of the eventual project. He would like to see it flow better. He commented that the City had two ways to invest in its future: the short term and the long term. This project was an example of changing strategies. The City needed retail and it could get "a pretty big bang for our buck in a relatively short period of time." However, the long-term needs of the City should not be forgotten. Land would be available when the change came again in the future. Fremont should not eliminate itself from being poised to take advantage of the need for office and R&D space when it was, again, needed. It was a mistake to completely change strategy to favor only retail, which, in his opinion, was the short-term view.

Chairperson Cohen also asked that the maker of the motion include the representations made by the applicant concerning the width of the road and the gateway area.

Commissioner Harrison noted that, concerning Exhibit C, Conditions of Approval, there were two Number 12s.

Commissioner Sharma commented that some of the buildings and the gateways would be coming back to the Commission and were not to be considered at this time.

IT WAS MOVED (WEAVER/HARRISON) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

RECOMMEND CITY COUNCIL APPROVE THE ADDENDUM TO SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) FOR PACIFIC COMMONS PROJECT CATELLUS DEVELOPMENT CORP. AS SHOWN ON EXHIBIT "E". SEIR PLN2000-214, STATE CLEARINGHOUSE #8721715 & 96052016;

AND

RECOMMEND CITY COUNCIL DETERMINE THAT THE PROPOSED LAND USES SELECTED FOR THE VARIOUS PARCELS ARE APPROPRIATE IN NATURE AND FUNCTION TO THE GENERAL PLAN DESIGNATION, IR-C-I;

AND

RECOMMEND CITY COUNCIL FIND PLN2003-0166, FINDINGS FOR A MAJOR AMENDMENT TO "P" DISTRICT, IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN AS SET FORTH IN EXHIBIT "C". THESE PROVISIONS INCLUDE THE DESIGNATION, GOALS, AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND LOCAL ECONOMY CHAPTERS;

AND

RECOMMEND CITY COUNCIL FIND PLN2003-0166, AS SHOWN ON EXHIBIT "F" PACIFIC COMMONS – MAJOR RETAIL DISTRICT SUPPLEMENT B, FULFILLS THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE;

AND
RECOMMEND CITY COUNCIL APPROVE PLN2003-0166, AS SHOWN ON EXHIBITS “A, B, D AND F” SUBJECT TO FINDINGS AND CONDITIONS IN EXHIBIT “C”;

AND
RECOMMEND APPROVAL OF AMENDMENTS TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FREMONT AND CATELLUS DEVELOPMENT CORPORATION RELATED TO DRIVE-IN EATING PLACES AND CUSHING PARKWAY AS SET FORTH IN EXHIBIT “M”;

AND
ACCEPT INFORMATION REGARDING PROPOSED AMENDMENTS TO OPTION AGREEMENT AND FIRE STATION PROMISSORY NOTE.

The motion carried by the following vote:

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| AYES: | 6 – Cohen, Harrison, Sharma, Thomas, Weaver, Wieckowski |
| NOES: | 0 |
| ABSTAIN: | 0 |
| ABSENT: | 1 – Natarajan |
| RECUSE: | 0 |

Chairperson Cohen called for a ten-minute recess at 8:10 p.m.

Chairperson Cohen called the meeting back to order at 8:22 p.m.

Commissioner Harrison recused himself because of the project's proximity to property in which his family had a leasehold interest.

Item 4. **MAPLE ST. RESIDENTIAL COMMUNITY – 37225, 37217 & 37237 Maple Street and 4176 Baine Avenue - (PLN2003-00200)** - to consider a Preliminary and Precise Planned District rezoning from C-C (CSPC) and R-1-6 (CSPC) to a Preliminary Planned District (P) for the single-family portion and a Preliminary and Precise Planned District (P-2003-200) for the multi-family portion of the project to implement the General Plan and Centerville Plan changes on a total of 5.4 acres. A Mitigated Negative Declaration was approved for this project.

Planning Director Marks introduced staff and summarized that the General Plan Amendment had been passed by Council and was now in conformance with the General Plan, which was immediately effective. The single-family home portion of the project would be a preliminary planned district and was not before the Commission for action. The architecture was the latest version and was not final. However, comments on the architecture would be welcome. The rental apartments portion was to be decided and the architecture was the final recommended architecture.

Deputy Gonzales Escoto stated that this project would meet a variety of community interests, including addressing neighborhood concerns, achieving housing element goals and objectives, implementing the redevelopment agency's adopted five-year implementation plan, as well as the City Council's adopted affordable housing strategy. The bulk of the funding would be provided by the State's nine percent tax credit program, which was highly competitive and required that developments be completely ready to go. The applicant intended to apply for approximately 16 million dollars in tax credit equity with a deadline of July 24, 2003.

Chairperson Cohen opened the public hearing and noted that the applicant had requested 20 minutes to speak. He asked that her presentation stay under 15 minutes.

Ginger Hitzke introduced Ken Rohde, lead architect for the multi-family component, Jim Ripley, landscape architect, Mike Schweitzer, civil engineer, and Jill Williams, lead architect for the single-family component.

Ken Rhode, KTG Group Architects, described the apartment portion of the project, which would include 132 units (studios, one, two and three bedrooms) with 323 parking spaces. The single-family homes would face Harrison Street and the apartment building would face Maple Street with the primary entries into the project on Baine Avenue. Two-story apartments would be located along Maple Street and the massing of the project would become taller as it moved toward Baine Avenue, which included three stories and three stories over semi-subterranean parking. He noted that two different concepts for Maple Street were being presented, per previously made comments by the Commission. He asked that the Commission decide between the two concepts.

Jim Ripley, landscape architect, stated that screen trees would surround the perimeter of the project. The two project entries would feature special decorative concrete pavers and stone pilasters and plaques on each side of each entry and flanked by flowering trees. The courtyard and main recreational areas, with a community center building, would be located in the center of the project. Two play areas would be available for children with a social zone that included a gazebo between the two. A walkway, flanked by small flowering accent trees, would surround the project. "Podium plazas" with paved with decorative concrete, seating areas and potted plants would be available throughout the site for private use of the residents.

Mr. Rohde added that the plazas on top of the podiums would have direct access to the central courtyard at three different locations. He showed the elevations on Baine Avenue and Maple Street, which had a single-story effect by using a combination of materials and color. The alternate elevation showed individual porches and front yards and fences, which read as individual residences rather than apartments. The Hansen Avenue street scene where the single-family homes would be located was included to demonstrate how the two portions of the project interfaced with each other and the neighborhood. He showed photos that a consultant modeler had taken of the existing site and added what the project would look like to the photos to make the various portions of the project look as realistic as possible. This presentation showed the little visual impact that the project would make upon the surrounding neighborhood.

Commissioner Sharma asked if the community building was to be used for family events.

Ms. Hitzke replied that the community building would include onsite management, a resident computer lab, an area for an after-school homework program and a portion could be rented out for private parties. Picnic and barbecue area would be at the end of the community building.

Mr. Rohde added that the community building would include a kitchen and laundry that would be available to the apartment residents.

Chairperson Cohen asked what the exterior material would be and if the entire rental project would be affordable housing. Would a certain number of units be set aside for each level of income?

Mr. Rohde replied that the exterior material would be Hardy board. He agreed that all apartments would be affordable.

Ms. Hitzke also replied that 10 percent of the units would be set aside for those earning 30 percent of median income, 10 percent of the units at 40 percent, 50 percent of the units at 50

percent and 30 percent of the units at 60 percent of the median income. The studios were set aside for the 30 percent of median income and were expected to be rented by seniors.

Chairperson Cohen understood that the proposed windows were to be vinyl.

Mr. Rohde replied that some windows would be required to have a certain STC level, because of the noise impact. The material for the other windows had not been chosen, as yet.

Chairperson Cohen asked that at least metal windows be used, which would work best with the arts and craft style. Vinyl would not work. He understood that metal could be had for less than the cost of vinyl. He would not approve any vinyl windows.

Vice Chairperson Weaver stated that she was absent from the study session when this item was originally discussed. She preferred the alternative elevation, which had better detail and reduced the flat, bulky look. She asked if the developer was a non-profit, affordable housing developer. Would a resident services director be in the premises? Would there be summertime programs for the children?

Ms. Hitzke replied that her company was a for-profit organization that specialized in affordable housing. She knew there would be four staff members, but she was not sure of the composition of the management team, as it had not yet been identified for this project. She stated that the project team agreed with her comments about the alternative elevation and liked it best.

Sayed Inamdar, twenty-year resident and the Commissioner for Senior Citizens, was interested in what would be done for the senior citizens in the project. It seemed to be a well-balanced project and was in the ideal location for senior citizens and for people who did not own autos. He favored the project and encouraged the Commission to recommend it to the City Council.

Tom Perez, representing Affordable Housing Advocates (AHA), stated he owned a home in the Centerville District and AHA had supported Washington Village in the Mission area. This project was a step in the right direction and "a good example of affordable housing built right." He asked that the Commission recommend the project for approval by the City Council.

Dennis Dubro stated that he was speaking for Congregations Organizing for Renewal (CORE), a faith-based group that represented 13 congregations and 25,000 families in southern Alameda County. He encouraged the Commission to approve the project, as proposed. The last Housing Element goals were not met; therefore, the community need was more than the current documented need of 2,000 to 3,000 units. He gave examples of families and individuals who were only able to live in the City because they shared homes with relatives. In his opinion, all complaints had been addressed, as shown in the presentation. He pointed out that the Washington Street project took six years to complete, which would be difficult for any developer, especially one who was developing low cost, affordable housing. He stated that most of the dilapidated properties in the City were privately owned, where this project was a wholesome, nice looking development that could only improve the surrounding properties. When jobs were brought to the City, as with the earlier approved Catellus project, people needed to be able to live nearby.

Ms. Hitzke closed by thanking staff and stated that the expedited review of their plans was appreciated.

Chairperson Cohen closed the public hearing and stated that comments were in order for the nine single-family homes that would come back to the Commission for future review.

Commissioner Thomas stated that the computerized visual that showed the actual height of the building and how it would affect the neighbors' views was reassuring. Three and one-half stories were not so overpowering. She expressed hope that similar presentations would be made by other developers when presenting infill development projects. The "pictures were worth a thousand words." She liked the architecture for the alternate elevation and appreciated that the applicant had listened to the Commissioners' comments. She knew change was difficult for everyone and that the neighborhood would look at this project as a negative. However, she would support this attractive, well-done project.

Vice Chairperson Weaver agreed that the presentation was very helpful and allayed the hesitation about the height and bulk of the project. She would have supported a higher density and she agreed with Mr. Dubro about the privately owned, rundown properties in the City. In her opinion, some affordable housing developments, such as Garden Avenue in Hayward, looked 100 percent better than some privately owned developments. She would like to see more developments like this one and she would support it.

Commissioner Wieckowski stated that he, too, would have preferred a higher density for the project. He would have preferred that even the single-family homes be affordable. The bungalow and cottage styles were appropriate along Hansen Avenue and Maple Street. He applauded the relocation of the three big trees and agreed that, if successful, they would have a major impact on the project.

He asked if the City should be involved with relocating the three trees, and he encouraged the arborist to work with the City engineer to make certain that the setbacks were adequate for the survival of the trees. He also asked if Maple Street would be wide enough to accommodate diagonal parking at the project location and if it might be an enhancement to the overall streetscape.

Senior Civil Engineer Moughon replied that the City Landscape Architect worked for the City Engineer and was not shy about making his wishes known. Maple Street would be the standard width of 60 feet wide with 40 feet curb to curb. It may be slightly narrowed to allow more room for landscaping and for better sidewalk enhancement. At least 12 more feet would be needed to accommodate diagonal parking, which was not a part of the street standards and was not used in residential neighborhood within the City.

Commissioner Sharma asked if there was an issue regarding street noise and would the windows take care of it. He stated that he could not have afforded what was now considered "affordable housing" when he was first looking for somewhere to live in the City a few years ago. The "affordable housing" term was misleading, as many educated people could take advantage of its availability. Affordable housing did not necessarily attract an undesirable element to the community, as was feared by many people. He would support the project, as he would something similar in the area where he lived. He asked that something other than vinyl windows be considered.

Planner Miniccuci replied that windows with specific STC rating would bring the noise level down and allow residents to sleep.

Commissioner Wieckowski added that he supported the alternate elevation, also.

Chairperson Cohen believed that the 159 Washington village had proved that affordable housing could be architecturally outstanding. People from outside the area were surprised when they were told that one of the nicest apartment complexes in the city was affordable housing. This project would not work using vinyl windows. There was no reason why something better than vinyl could not be used. He asked that a condition be added that the windows be made of metal or metal clad wood. He commended the applicant, which was a for-profit corporation, for developing an affordable project. The market rate, single-family

homes needed more architectural work. There was certainly no reason that something other than vinyl windows could be included with these homes, also.

Commissioner Thomas made the motion for approval for the alternate elevation, but vinyl windows would not be an excluded material.

Chairperson Cohen stated that he felt so strongly about vinyl windows that he would not support the motion.

Mr. Rohde asked what the concern was with vinyl windows. He stated that he considered the construction and the size of the frame, which impacted the look. Some manufacturers made vinyl windows with heavy frames and the construction was good. Vinyl was superior to other products when considering maintenance. Vinyl was now available in many attractive colors, and he asked for flexibility when it came to the motion. He offered to work with staff or come back to the Commission to allow review of samples of windows.

Chairperson Cohen agreed to a suggestion that this condition be taken separately from the motion.

Commissioner Sharma would support the project regardless of the window material, but would agree to a review of window material at a later date.

Mr. Rohde noted that there were two different window conditions. Those that face Baine Avenue and the rest of the windows on the site.

It was agreed that the windows would be brought in for approval later as a separate issue.

Ms. Hitzke stated that the complete project must be approved prior to submitting the tax credit application. A condition concerning the windows would not allow a tax credit submittal. She asked that the development be approved with the window material coming back to the Commission at a future date.

Chairperson Cohen assured her that her project was going to be approved, as the Commissioners all seemed to like the project.

Assistant City Attorney Seto stated that the Commission could add a condition that the type and style of windows could come back for advice at a later date.

Commissioner Thomas asked if a condition concerning the make up of the windows would hold up the project.

Senior Deputy City Attorney Seto stated that it would not.

IT WAS MOVED (THOMAS/SHARMA) AND CARRIED BY THE FOLLOWING VOTE (5-0-0-1-1) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;
ADD CONDITION THAT WINDOW MATERIAL WOULD COME BACK TO THE COMMISSION FOR REVIEW;

AND

FIND PLN2003-00200 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE, HOUSING CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;

AND

RECOMMEND PLN2003-00200 TO THE CITY COUNCIL IN CONFORMANCE WITH STAFF AMENDED EXHIBIT "A" SITE, ARCHITECTURE, LANDSCAPE PLANS AND TREE SURVEY, EXHIBIT "B" (REZONING EXHIBIT), EXHIBIT "C" PLANNED DISTRICT FINDINGS AND CONDITIONS OF APPROVAL.

The motion carried by the following vote:

AYES: 5 – Cohen, Sharma, Thomas, Weaver, Wieckowski
NOES: 0
ABSTAIN: 0
ABSENT: 1 – Natarajan
RECUSE: 1 – Harrison

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.

Planning Director Marks announced that City Council approved the consultant for the Warm Springs BART Specific Plan and the General Plan Amendment for the Maple Street project. The BART Board adopted the Warm Springs Environmental Impact Review and the project by a 7-2 vote.

July 10th was cancelled and the next meeting was to be on July 24th, which could be long.

- Information from Commission: Commission members may report on matters of interest.

Commissioner Sharma asked when a new group picture would be put on the web site. He asked how the Mission Hills slide report was coming.

Planning Director Marks agreed to follow up on the web site. With regard to the slide, staff was still working on a proposal, which had turned out to be extraordinarily complex.

Meeting adjourned at

SUBMITTED BY:

Alice Malotte
Recording Clerk

APPROVED BY:

Dan Marks, Secretary
Planning Commission